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VETO MESSAGE.

To the House of Representatives
of the Confederate States of America:

Having carefully considered the act entitled "An act to provide for wounded and disabled officers, soldiers, and seamen, an asylum to be called "The Veteran Soldiers' Home," I feel constrained to return it, with my objections, to the House of Representatives, in which it originated. The object of the act appeals most strongly to the sympathies of all; but in providing the means for effectuating that object, it enacts provisions which, in my judgment, are unwarranted by the Constitution. Without affirming that the act creates a perfect corporation, there can be no doubt that it confers upon the board of managers of the institution which it is intended to found, corporate powers and franchises of a well defined character, which constitute them what is known as a quasi corporation. They are to organize themselves into a board, by the election of a president, treasurer, and other necessary officers; are to continue in office until their successors are appointed—thus providing for a continual succession; and they are to be subject to the general approval and direction of the Secretary of War—thus constituting the Secretary a Visitor, a usual incident of eleemosynary corporations. They have power to make by-laws, or, as the act expresses it, the "power to make all requisite rules and regulations" for the government of the institution; and they are authorized to receive endowments from individuals and from the States. These are all ordinary and well known corporate franchises. But if any doubt could exist as to whether they are granted to the board as a corporation, or quasi corporation, or only entrusted to them as individual trustees, that doubt is removed by the second section of the act. That section provides that the treasurer shall give bond with security for the faithful discharge of his duties, which bond shall be payable to the said board of managers and their successors in office, and may by them be put in suit in any State or Confederate court having jurisdiction. It cannot be understood that this bond is to be taken to, and sued upon, by the board of managers, in their individual capacity, as natural persons. This is evident from two considerations:

1st. Such a power would be supererogatory and useless, since, as natural persons, they already had, by the common law, ample right to make any contract and take any bond or other security, not contravening the policy of the law.

2d. The right of action on a bond payable to the managers, as individuals, would, in the courts of law, remain in and be under the control of the managers after they had gone out of office; and in case of the death of all of them, would belong to the personal representative of the last survivor; and to prevent these inconveniences, it is

expressly provided that the bond should be payable to, and be sued on by, "the board of managers and their successors in office," which could only be accomplished by constituting them, to that extent, a corporation.

From these considerations, it is apparent that the intent of the act is to confer corporate powers upon the board of managers; and that intent is, in my judgment, beyond the powers entrusted to Congress by the Constitution. However enlightened opinions may have differed under the old Government, the whole history and theory of the contest in which we are engaged, and the express recognition in our Constitution of the sovereignty of the States, preclude all idea of so widely extending, by construction, the field of implied powers. That there is no such power expressly granted, need scarcely be remarked.

But, if this view of the intent and operation of the act be discarded as incorrect, then it can be susceptible of but one other interpretation. It provides for the support and comfort of soldiers and seamen disabled in the public service—a class in all countries regarded as the peculiar objects of governmental benevolence. The institution which it founds is endowed, in part at least, from the funds of the Government. The real estate necessary for the purpose of this act is to be leased or purchased by the Secretary of War, under the approval of the President, as the property of the Government. Officers in the service and pay of the Government are to be assigned for duty at the asylum. Its whole management is to be subject to the general direction and control of a high officer of the Government—the Secretary of War. And the board of managers are required to report to the Secretary, to be communicated to Congress, at every regular session, a statement of the condition of the institution. It is, then, a Government institution, and its officers are officers of the Confederate States; but they are not to be appointed in any of the ways by which alone such appointments can be constitutionally made—neither by the President, with the advice and consent of the Senate, nor by the President alone, nor by the courts of law, nor by the head of a department. The managers are to be appointed by the Governors of the several States, and they in turn are to appoint their president and treasurer, and fix their salaries.

These two are, in my judgment, the only interpretations of which the act is susceptible; and, under either view, its provisions are violative of the Constitution.

JEFFERSON DAVIS.

Richmond, Va., February 11, 1864.

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